

4/26/2019

JULIA C. DUDLEY, CLERK

BY: s/ KELLY BROWN
DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America)

v.)

ELIEZER RAMOS ARREOLA)
Alien File Number #216 402 822)
)
)
)
)

Case No. 7:19-MJ-00048

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 4, 2019 in the county of Montgomery in the
Western District of Virginia, the defendant(s) violated:*Code Section**Offense Description*

8 USC 1326

Re-Entry of a Removed Alien

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.Received by reliable
electronic means and
attested to telephonically*Hunter Durham**Complainant's signature*

Hunter R. Durham / Special Agent (HSI)

Printed name and title

Sworn to before me and signed in my presence.

Date: April 26, 2019*Robert S. Ballou**Judge's signature*City and state: Roanoke, VA

Hon. Robert S. Ballou/US Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

IN THE MATTER OF A CRIMINAL COMPLAINT AND ARREST WARRANT FOR: ELIEZER RAMOS ARREOLA Alien File Number #216 402 822	CASE NO. <u>7:19-MJ-00048</u>
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AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT & ARREST WARRANT

I, Hunter Durham, being first duly sworn, depose and state the following:

1. I am a Special Agent with the U.S. Department of Homeland Security (DHS), Office of Homeland Security Investigations (HSI), currently assigned to the Washington D.C. Field Office. Prior to my career in federal law enforcement, I served as a member of the United States Military Armed Forces for 10 years. I have been awarded academic degrees of Bachelor of Arts and Master of Arts focusing in the field of Political Science. I have been employed as a federal Special Agent / Criminal Investigator since 2006. I have extensive experience as the managing case agent for numerous and diverse criminal investigations including but not limited to federal conspiracies related to drug smuggling and trafficking; firearms violations; national security violations; human smuggling and trafficking; sensitive technologies and classified/proprietary data; document and identity fraud schemes; financial and money laundering operations; child exploitation and cyber-crime; intellectual property rights crimes; document and identity fraud; fugitive investigations; and criminal alien violations.

2. I am investigating Eliezer Ramos Arreola (Ramos) for federal violations including “re-entry of a removed alien” (in violation of 8 U.S.C. § 1326). The statements in this affidavit are based on my investigation, experience, training, professional research, background and facts provided to me by other law enforcement officers or those with related knowledge who are assisting with this investigation. I have set forth only the facts I believe are necessary to establish probable cause to believe that Ramos is a citizen of Mexico, who is an alien previously removed

from the United States and then encountered in the Western District of Virginia without authorization from a designated official of the United States Government.

JURISDICTION

3. This court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction,” as defined by 18 U.S.C. § 2711. Specifically, the court is “a district court of the United States . . . that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

STATUTORY AUTHORITY

4. As noted above, this investigation concerns alleged violations of the following:

Title 8, United States Code, Section 1326 prohibits any alien who has been denied admission, excluded, deported or removed or has departed the United States while an order of deportation is outstanding and thereafter enters, attempts to enter, or is at any time found in, the United States, [unless (A) prior to his re-embarkation at a place outside the United States or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien’s reapplying for admission; or (B) with respect to an alien previously denied admission and removed, unless such alien shall establish that he was not required to obtain such advance consent under this chapter or any prior Act] shall be fined under title 18, or imprisoned not more than 2 years, or both.

INVESTIGATION

5. On or about April 4, 2019, Ramos was encountered by Homeland Security Investigations (HSI) and Immigration Customs Enforcement (ICE) Officials on Interstate 81 in Montgomery County, Virginia. At the time, Ramos was detained as the driver of a vehicle, which was the subject of a traffic stop by Montgomery County Sheriff’s Department.

6. During the event, Ramos communicated in the English language with law enforcement. Upon encountering Ramos, your affiant provided him with his Notice of Miranda Rights prior to any questioning or conversation, which he acknowledged and waived to speak with agents. Ramos immediately advised agents that he is a citizen of Mexico, had previously illegally entered the United States, has been arrested before in the United States and that he illegally re-entered the United States. During his detention and arrest, his fingerprints were collected and electronically analyzed against government records. Information obtained from records and Ramos' statements is summarized below.

7. Fingerprint data system search results revealed records for Ramos in the DHS system under Alien File Number A216 402 822. He was previously encountered and arrested by local police (and subsequently ICE) in Phoenix, Arizona during 2018 under the alias "Francisco Gaitan-Arreola." While incarcerated in Phoenix, Ramos was interviewed by ICE Officers and determined to be illegally present in the United States. On March 22, 2018, Ramos was ordered removed from the United States by an Immigration Court in Lumpkin, Georgia. On April 2, 2018, Ramos was deported from the United States to Mexico by ICE via the El Paso, Texas land border access. Ramos corroborated this information during interview questioning.

8. On an unknown date after his deportation-removal on April 2, 2018, Ramos illegally re-entered the United States without inspection, admission, or parole at a place unknown to the government. Ramos stated that he re-entered by illegally crossing the U.S. land border at or near Nogales, Arizona without having first obtained the express consent of any U.S. Government authority including the Attorney General or Secretary of Homeland Security.

9. A search of DHS and Citizenship and Immigration Service (CIS) records revealed no pending or previous applications by Ramos for lawful admission or status into or within the United States.

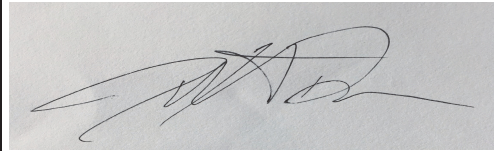
CONCLUSION

10. Based on the aforementioned information, your affiant respectfully submits that there is probable cause to believe that Ramos illegally re-entered the United States after having been

previously receiving an order of removal and subsequent deportation by DHS Officials. Further, he re-entered by illegally crossing the U.S. land border without obtaining the express consent of the Attorney General or Secretary of Homeland Security of the United States and was found in the United States within the Western District of Virginia, in violation of Title 8 U.S.C, Section 1326(a).

Received by reliable
electronic means and attested
to telephonically

Respectfully submitted,



Hunter R. Durham
Special Agent
Homeland Security Investigations
Roanoke, Virginia

Subscribed and sworn to before me on the 26th day of April, 2019.

Robert S. Ballou

HONORABLE ROBERT S. BALLOU
UNITED STATES MAGISTRATE JUDGE